

**DENTISTRY EXAMINING BOARD
MADISON, WI
MINUTES
JANUARY 11, 2006**

PRESENT: Lori Barbeau, DDS; Bruce Barrette, DDS; Linda Bohacek, RDH; David Carroll, RDH; Keith Clemence, DDS; Judith Ficks; Wilber Gill, DDS; Karen M. Jahimiak, DDS; Nanette Kosydar Dreves, RDH; Richard Strand, DDS; and Anne N. Taylor

STAFF PRESENT: Tom Ryan, Bureau Director; Dennis Schuh, Legal Counsel; PJ Monson, Bureau Assistant; Elizabeth Reinwald, DRL Budget Director; Cathy Pond, Division of Credentialing; Sandy Rowe, Deputy Secretary; and Division of Enforcement staff for a portion of the meeting

GUESTS: Adriana Jaramillo, DDS and William R. Skarie, DDS, Dentistry Board Nominees; Mara Brooks, Monica Hebl, DDS, Dennis J. McGuire, and Constantine Stamatelakys, DDS, Wisconsin Dental Association; Jeremy Levin, Wisconsin Medical Society; L. Stanley Brysh, DDS; Shirley Gutkowski, RDH and Angie Stone, RDH, Wisconsin Dental Hygiene Association

CALL TO ORDER

Chair Dr. Bruce Barrette called the meeting to order at 8:36 a.m. A quorum of 11 members was present.

WELCOME NEW APPOINTMENTS

The Board chair welcomed new appointees to the Dentistry Examining Board meeting.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

APPROVAL OF AGENDA

Additions to agenda

- Between “B & C “ – 2005 dentistry on-line renewal summary report
- Item “D” – document handout from Dr. Clemence – suggested modifications to the Clearinghouse Rule 04-095 relating to dental anesthesia regulation

Deletions from agenda

- Item L – deliberation of dental license application for Brendan G. O'Connor, DDS, MD
- Item M – deliberation of dental license application for Afshan Sultan

MOTION: Ms. Dreves moved, seconded by Dr. Clemence, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 2, 2005

Page 3 of 5 - amend the motion under Foreign Trained Dentists to read: to approve this letter and issue it to foreign trained dentist applicants informing them of accredited dental schools that accept foreign trained dentists.

MOTION: Dr. Gill moved, seconded by Dr. Clemence, to approve the November 2, 2005 minutes as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 30, 2005

MOTION: Dr. Clemence moved, seconded by Ms. Ficks, to approve the November 30, 2005 minutes. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 21, 2005

MOTION: Mr. Carroll moved, seconded by Dr. Strand, to approve the December 21, 2005 minutes. Motion carried unanimously.

ELECTION OF 2006 BOARD OFFICERS

Dr. Barrette called three times for nominations for the office of Chair.

MOTION: Dr. Strand moved, seconded by Dr. Clemence, to nominate Dr. Barrette as Chair of the Board. After no other nominations were offered, the motion carried unanimously.

Dr. Barrette called three times for nominations for the office of Vice Chair.

MOTION: Ms. Dreves moved, seconded by Dr. Gill, to nominate Dr. Strand as Vice Chair. After no other nominations were offered, the motion carried unanimously.

Dr. Barrette called three times for nominations for the office of Secretary.

MOTION: Dr. Gill moved, seconded by Ms. Ficks, to nominate Ms. Dreves as Secretary. After no other nominations were offered, the motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Jackson welcomed the new appointees to the Board. She expressed concerns about relations between the Board and staff. The Board commented that the budget restrictions, loss of DOE personnel, restricted travel reimbursement, and the lack of support for the publication of the Regulatory Digest were some of the items that have caused conflict and/or disagreements.

MOTION: Ms. Bohacek moved, seconded by Dr. Barbeau, to set up a committee to work on improving the relationship between the Board and the Department. Motion carried unanimously.

Budget report

Ms. Reinwald, the Department Budget Director, addressed the Board with projected budget totals and reviewed state budgeting methodologies. Deputy Secretary Rowe answered questions from the Board regarding revenues, expenditures, and required lapses.

2005 on-line renewal of dental and dental hygiene licenses

Ms. Pond, Administrator, Division of Credentialing, reported the number of on-line renewals in 2005 was 552 (12.4%) for Dentists and 558 (11.5%) for Dental Hygienists.

PRESENTATION OF PROPOSED DECISIONS

MARK A. NELSON, DDS

Attorney Jack Zwieg, Division of Enforcement, appeared before the Board to present the proposed stipulation in the matter concerning Mark A. Nelson, DDS.

ALESSANDRO SAVAGLIO, JR, DDS

Attorney Jim Polewski, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Alessandro Savaglio, Jr., DDS.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND ADMINISTRATIVE RULES

Dennis Schuh updated the Board on cases in the Summary Report. Ms. Dreves questioned the timeline of the local anesthesia by applicator rule. It's scheduled before the small business review committee and may be months before the process is completed.

CLEARINGHOUSE RULE 04-095 RELATING TO DENTAL ANESTHESIA REGULATION – DISCUSSION OF MODIFICATIONS TO THE RULE

Dr. Barrette stated the cardiopulmonary resuscitation requirement and the titration issue were topics of contention at the legislative hearings on the rule. Dr. Clemence distributed a handout with proposed changes to the cardiopulmonary resuscitation requirement in the proposed Wis. Admin. Code § DEN 11.05, 11.06 and 11.07.

MOTION: Dr. Clemence moved, seconded by Dr. Gill, to approve the changes to the rule as outlined in the handout and send the changes to the Senate and Assembly Health Committees. Motion carried unanimously.

The Board considered various options in response to the request to modify its titration provision.

MOTION: Ms. Dreves moved, seconded by Dr. Strand, in reference to clearinghouse rule 04-095, to leave Wis. Admin. Code § DEN 11.09 as written without modifications and include an explanation for this motion to the Senate and Assembly Health Committees. Motion carried unanimously.

AMERICAN DENTAL ASSOCIATION (ADA) REQUEST FOR STATE BOARD PARTICIPATION IN ACCREDITATION SITE VISITS MARCH 1-3, APRIL 26-28

Dr. Gill stated this accreditation is very important for new Board members and suggested they consider participating. Ms. Bohacek expressed interest in attending the site visit in La Crosse, WI. Mr. Ryan explained the limited travel expense process and options. Dr. Strand reiterated the frustration he feels with regard to travel expenses. Ms. Taylor is considering the Wausau review.

MOTION: Ms. Dreves moved, seconded by Dr. Barbeau, to allow Ms. Bohacek and Ms. Taylor to participate in the ADA Site visits in Wausau and La Crosse. Motion carried unanimously.

CREDENTIALING COMMITTEE REPORT

Dr. Strand reported that 2005 closed with 184 credentialed dentists and 156 credentialed dental hygienists. At today's meeting four dentists and three dental hygienists were licensed.

CRDTS REPORT

Dr. Strand communicated that a CRDTS by-law change will be considered by the CRDTS General Assembly to change the annual meeting from the month of March to August to avoid any conflicts with examinations.

AADE REPORT

AADE Midwinter meeting - March 19-20, 2006

The AADE midwinter meeting will be held March 19-20 in Chicago and Board members are encouraged to attend.

ADA National Dental Examiners' Advisory Forum – March 21, 2006

MOTION: Ms. Dreves moved, seconded by Ms. Ficks, to appoint Dr. Jahimiak as the ADA National Advisory Forum representative.
Motion carried unanimously.

ADEX REPORT

Request for House of Representatives Annual Meeting

The Chair suggested a request be made to ADEX for the initial annual meeting of the House of Representative as stated in the ADEX by-laws.

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to request a House of Representatives annual meeting. Motion carried unanimously.

Appointment of Representatives to the ADEX House of Representative Annual Mtg.

The Chair appointed Ms. Ficks as the public member, Ms. Dreves as the Dental Hygienist member and Dr. Barrette as the Dentist member to the ADEX House of Representative Annual Meeting.

INFORMATIONAL ITEMS

Noted.

INVITATION OF NEW APPOINTMENT(S) INTO CLOSED SESSION

MOTION: Ms. Bohacek moved, seconded by Ms. Dreves, to invite the new members into closed session. Motion carried unanimously.

CLOSED SESSION

MOTION: Ms. Ficks moved, seconded by Dr. Jahimiak, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by roll call vote: Lori Barbeau, DDS-yes; Bruce Barrette, DDS-yes; Linda Bohacek, RDH-yes; David Carroll, RDH-yes; Keith Clemence, DDS-yes; Judith Ficks-yes; Wilber Gill, DDS-yes; Karen Jahimiak, DDS-yes; Nanette Kosydar Dreves, RDH-yes Richard Strand, DDS-yes; Anne N. Taylor-yes.

Open Session recessed at 11:03 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mr. Carroll moved, seconded by Ms. Bohacek, to reconvene into Open Session at 1:47 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MARK A. NELSON, DDS

MOTION: Ms. Dreves moved, seconded by Dr. Jahimiak, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Mark A. Nelson, DDS. Motion carried unanimously. Ms. Ficks was not present for deliberations and abstained from voting.

ALESSANDRO SAVAGLIO, JR, DDS

MOTION: Ms. Dreves moved, seconded by Ms. Ficks, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Alessandro Savaglio, Jr, DDS. Motion carried

unanimously. Mr. Carroll was not present for deliberations and abstained from voting.

DELIBERATION OF PROPOSED DECISION

JAN BUBLIK, DDS, MD

MOTION: Dr. Dreves moved, seconded by Dr. Jahimiak, to uphold the original denial and a variance should be drafted and brought back to the Board in the matter of application for a license to practice for Jan Bublik, DDS, MD. Motion carried. Dr. Barbeau, Ms. Taylor, and Ms. Bohacek opposed. Dr. Barrette remained for deliberations and abstained from voting.

MONITORING

JAMES MICHAELS, DDS REQUESTING FULL REINSTATEMENT OF LICENSE

MOTION: Dr. Barbeau moved, seconded by Ms. Bohacek, to approve full reinstatement of license for James Michaels, DDS. Motion carried unanimously.

BLAIR MOLDENHAUER, DDS REQUESTING THREE MONTH STAY WITH MODIFICATIONS

MOTION: Dr. Gill moved, seconded by Ms. Dreves, to deny the stay and modifications and impose the suspension as of the date of the receipt of the order for Blair Moldenhauer, DDS. Motion carried unanimously.

CASE CLOSINGS

04 DEN 077

MOTION: Ms. Ficks moved, seconded by Dr. Gill, to close case **04 DEN 077** for insufficient evidence. Motion carried unanimously.

03 DEN 004

MOTION: Ms. Ficks moved, seconded by Dr. Barbeau, to close case **03 DEN 004** for prosecutorial discretion (P2). Motion carried unanimously.

03 DEN 003

MOTION: Dr. Jahimiak moved, seconded by Mr. Carroll, to close case **03 DEN 003** for no violation. Motion carried unanimously.

03 DEN 110

MOTION: Dr. Clemence moved, seconded by Ms. Bohacek, to close case **03 DEN 110** for no violation. Motion carried unanimously.

04 DEN 117

MOTION: Ms. Ficks moved, seconded by Ms. Dreves, to close case **04 DEN 117** for prosecutorial discretion (P2). Motion carried unanimously.

04 DEN 114

MOTION: Dr. Strand moved, seconded by Dr. Gill, to close case **04 DEN 114** for no violation. Motion carried unanimously.

04 DEN 086

MOTION: Dr. Jahimiak moved, seconded by Dr. Gill, to close cases **04 DEN 086** for no violation. Motion carried. Dr. Clemence opposed.

03 DEN 055

MOTION: Ms. Dreves moved, seconded by Ms. Bohacek, to close cases **03 DEN 055** for prosecutorial discretion (P1). Motion carried unanimously. Mr. Carroll abstained.

03 DEN 091

MOTION: Ms. Ficks moved, seconded by Ms. Bohacek, to close case **03 DEN 091** for no violation. Motion carried unanimously.

03 DEN 092

MOTION: Dr. Jahimiak moved, seconded by Dr. Barbeau, to close cases **03 DEN 092** for no violation. Motion carried unanimously. Mr. Carroll abstained.

03 DEN 096

MOTION: Ms. Dreves moved, seconded by Ms. Ficks, to close cases **03 DEN 096** for insufficient evidence. Motion carried unanimously.

03 DEN 006

MOTION: Dr. Jahimiak moved, seconded by Dr. Barbeau, to close case **03 DEN 006** 1st respondent for prosecutorial discretion (P3) and the 2nd respondent for insufficient evidence. Motion carried unanimously.

ADJOURNMENT

MOTION: Mr. Carroll moved, seconded by Dr. Gill, to adjourn the meeting at 2:00 p.m. Motion carried unanimously.

NEXT DEB MEETING: MARCH 1, 2006